

Attorney Docket # 5367-223PUS

Patent

Group Art: 2811

Alexandria, VA 22313-1450, on

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Dominik EISERT et al.

Serial No.:

10/572,655

Filed: March 6, 2007

For:

Radiation-Emitting

Thin-Film Semiconductor

Chip

September 10, 2008 (Date of Deposit)

Thomas Langer

Examiner: LAM, Cathy N.

I hereby certify that this correspondence is being deposited with the United States Postal Service with

sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450,

September 10, 20 Date of Signature

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

SIR:

Applicants hereby request a one-month extension of the original shortened statutory response period set in the Office Action of July 25, 2008. A check in the amount of \$120.00 in payment of the government fee for a one-month extension of time is enclosed herewith.

Applicants hereby elect Specie I as shown in Figures 1 and 4. This election is made with traverse.

Claims 1-18 are readable on the elected Specie I.

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TRAVERSE

Applicants submit that since this is a National Stage application based on an International

Application and was filed under 35 U.S.C. §371, unity of invention (not restriction) practice is

applicable in this case. See MPEP §1893.03(d). Applicants accordingly traverse the improper

election requirement set forth in the Office Action.

Applicants believe that claims 1-41 currently pending in the instant application meet the

requirements for unity of invention under 37 CFR §1.475. The ISA, which applies the PCT

Rules, has already considered the claimed subject matter which it treated as having unity of

invention, as indicated in the International Search Report.

Also, there is no provision in the PCT for making species selections based on drawings.

Instead, the relevant provisions of the PCT refer only to <u>claimed</u> subject matter.

In view of the foregoing, applicants respectfully request that the Examiner reconsider and

withdraw the restriction requirement set forth in the Office Action of July 25, 2008, and examine all

of the pending claims together in the present application.

Any additional fees or charges required at this time in connection with the application may

be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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Dated: September 10, 2008

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